

EXHIBIT 9

FILED UNDER SEAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING
LLC,

Defendants.

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)
)
)
)
) Case No.:
) 3:17-cv-00939-WHA

ATTORNEYS' EYES ONLY
VIDEOTAPED DEPOSITION OF DAVID MEALL
San Francisco, California
Thursday, April 13, 2017
Volume 1

Reported by:
RACHEL FERRIER, CSR No. 6948
Job No. 2594017
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1 form to ensure they are telling the truth or is it just 03:05:52
2 sometimes? 03:05:56
3 A That I'm not sure. 03:05:56
4 Q Do you know whether Uber, including both the HR 03:05:58
5 department and the legal department, investigates 03:06:07
6 whether an employee is telling the truth when they fill 03:06:08
7 out their HR forms every time? 03:06:12
8 A That I'm not sure. 03:06:14
9 MR. TATE: Asked and answered. 03:06:15
10 BY MS. COOPER: 03:06:16
11 Q In paragraph 5 of your declaration, you describe 03:06:20
12 the template offer letter from Uber that it gives to 03:06:22
13 prospective employees in the Advanced Technologies 03:06:27
14 Group; is that right? 03:06:30
15 A Yes. 03:06:30
16 Q Did Mr. Levandowski sign this offer letter? 03:06:31
17 A I don't have direct knowledge of that. 03:06:37
18 Q Do you have any knowledge of that? 03:06:39
19 A I was not part of the on-boarding or the 03:06:41
20 acquisition itself. That was handled as a special case. 03:06:44
21 Q Who handled the on-boarding of Mr. Levandowski? 03:06:48
22 A I'm not actually sure who was working on it. 03:06:52
23 Q Why do you say it was a special case? 03:06:54
24 A Just, with acquisitions, we don't -- the 03:06:57
25 recruiting team, which is what I manage, we don't send 03:06:59

1 individual offer letters, so usually that's done as a 03:07:02
2 combination of the corporate and business development 03:07:05
3 team and HR. 03:07:07
4 Q Did you search for Mr. Levandowski's Employment 03:07:08
5 Agreement before this deposition today? 03:07:15
6 A No. 03:07:16
7 Q Have you ever seen Mr. Levandowski's employment 03:07:17
8 agreement before? 03:07:22
9 A No. 03:07:23
10 MS. COOPER: Okay. I'm handing you what I just 03:07:26
11 marked as Exhibit 8. We are going out of order a little 03:07:28
12 bit, but. 03:07:32
13 (Exhibit 8 was marked for identification 03:07:36
14 by the Court Reporter.) 03:07:36
15 BY MS. COOPER: 03:07:36
16 Q Does this look like the template offer letter you 03:07:42
17 described in your declaration? 03:07:45
18 MR. TATE: Objection; vague and ambiguous. The 03:07:52
19 document speaks for itself. 03:07:55
20 MS. COOPER: That's not a proper objection in 03:08:05
21 this court. I believe objections are limited to form in 03:08:07
22 this district. 03:08:09
23 THE WITNESS: There's no way if I could say if 03:08:25
24 that's the exact -- exact one. There's a lot of 03:08:27
25 language in here that could have been special terms of 03:08:30

1 THE VIDEOGRAPHER: Back on the record, the time 03:18:09
2 is 3:18. 03:18:11
3 BY MS. COOPER: 03:18:12
4 Q So, Mr. Meall, you said you have never seen an 03:18:15
5 equity incentive plan like this, which imposes 03:18:20
6 conditions on stock grants, before in your work at Uber; 03:18:23
7 is that correct? 03:18:28
8 A Yes. 03:18:28
9 Q Is that because you don't deal with executives' 03:18:29
10 equity incentive plans? 03:18:34
11 A I don't deal with equity incentive for 03:18:36
12 executives, no. 03:18:39
13 Q Do you deal with other employees' equity 03:18:39
14 incentive plans? 03:18:43
15 A Yes. 03:18:44
16 Q Who deals with executive equity incentive plans? 03:18:44
17 A It would depend on the situation. 03:18:53
18 Q Could it fall on your plate if you were hiring an 03:18:55
19 executive during your tenure? 03:19:01
20 MR. TATE: Objection; calls for speculation. 03:19:03
21 THE WITNESS: We have an executive recruiting 03:19:04
22 branch. 03:19:08
23 BY MS. COOPER: 03:19:08
24 Q If you look at Exhibit 6, the equity incentive 03:19:16
25 plan itself, the grant date is not filled out. 03:19:21

1 Google? 03:21:52

2 A No. 03:21:53

3 MR. TATE: Objection; form. 03:21:54

4 BY MS. COOPER: 03:21:56

5 Q Have you ever heard that he didn't steel 14,000 03:21:56

6 files from Google? 03:22:01

7 A No. 03:22:02

8 Q Do you have any basis to doubt that he did steel 03:22:02

9 the 14,000 files? 03:22:06

10 MR. TATE: Objection; form. 03:22:08

11 THE WITNESS: I have no basis to think one way or 03:22:08

12 another. 03:22:12

13 BY MS. COOPER: 03:22:12

14 Q Has Uber investigated whether Mr. Levandowski 03:22:12

15 stole 14,000 files from Waymo? 03:22:15

16 A I have no personal knowledge of an investigation. 03:22:17

17 Q If the HR department had done such an 03:22:20

18 investigation, would you be aware of it? 03:22:25

19 MR. TATE: Objection; calls for speculation. 03:22:27

20 THE WITNESS: No. 03:22:28

21 BY MS. COOPER: 03:22:30

22 Q Why do you say that? 03:22:32

23 A Because that would be privileged information that 03:22:33

24 I wouldn't really need to be privy to. 03:22:37

25 Q Even if it was happening in your own department? 03:22:39

1	A	I run recruiting.	03:22:43
2	Q	So if the -- if Uber hasn't investigated whether	03:22:46
3		Waymo's claims are true, can Uber say that	03:22:54
4		Mr. Levandowski didn't steel the 14,000 files from	03:22:56
5		Waymo?	03:22:58
6	MR. TATE:	Objection; that misstates the	03:22:59
7		testimony.	03:23:00
8	BY MS. COOPER:		03:23:01
9	Q	If you don't know whether Uber has investigated	03:23:02
10		whether Mr. Levandowski stole the files, can Uber say	03:23:05
11		that he didn't?	03:23:09
12	MR. TATE:	Objection; calls for speculation.	03:23:09
13		Objection; form.	03:23:14
14	THE WITNESS:	They've never said one way or	03:23:14
15		another if they have or have not.	03:23:17
16	BY MS. COOPER:		03:23:20
17	Q	In the last paragraph of your deposition -- of	03:23:26
18		your declaration, paragraph 9 on page 2, you say you	03:23:28
19		have never seen any evidence of any use of Google or	03:23:32
20		Waymo information during your employment at Uber; is	03:23:35
21		that true?	03:23:39
22	A	Yes.	03:23:40
23	Q	Have you ever heard anybody talk about Google or	03:23:41
24		Waymo information being used at Uber?	03:23:47
25	A	No.	03:23:49